

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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FREDERIC LEPPER

Petitioner,

v.

LOIS RUSSO,

Respondent.

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Civil Action No. 04-11879-MLW

MOTION OF THE RESPONDENT TO ENLARGE THE TIME  
FOR FILING A MEMORANDUM

The respondent, Lois Russo, Superintendent of Souza-Baronowski Correctional Center at Shirley, Massachusetts, through counsel, respectfully moves this Court to enlarge the time in which to file a memorandum in opposition to the petition for writ of habeas corpus to November 17, 2006.

As grounds therefor, the respondent's attorney states that her burgeoning caseload prevented her from working on the memorandum in the above case. The undersigned attorney just filed a brief in the First Circuit in Hyde v. State of Massachusetts, No. 06-1777, and is starting research on another brief which due on September 28, 2006, in Josselyn v. Dennehy, No. 05-2405. Upcoming litigation responsibilities include preparing for oral argument before the Massachusetts Supreme Judicial Court in Commonwealth v. Cabrera, SJC No. 09770 and hearings in USDC on the merits in four habeas corpus actions, Melton v. Russo, No. 05-10905-GAO, Delgado v. Dennehy, No. 04-30124-MAP, Patnod v. Nolan, C.A. No. 04-10865-GAO and Ali v. Commonwealth, No. 04-30005-KPN; researching and drafting an answer and opposition to a motion to stay federal proceedings

in Alves v. Russo, C.A. No. 06-11090-PBS; researching and drafting a memorandum in Patnod v. Nolan, C.A. No. 04-10865 prior to a hearing; and drafting an answer in Lanoue v. Dennehy, C.A. No. 06-40134-FDS

WHEREFOR, the respondent respectfully moves this Court to enlarge the time for filing a memorandum in opposition to the petition to November 17, 2006.

Respectfully submitted,

THOMAS F. REILLY  
ATTORNEY GENERAL

/s/ Annette C. Benedetto  
Annette C. Benedetto  
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**CERTIFICATE OF CONSULTATION**

Pursuant to Local Rule 7.1 (A) (2) , the respondent's attorney certifies that she spoke with the petitioner's counsel who indicated that he would take no position on the above motion.

/s/ Annette C. Benedetto  
Annette C. Benedetto  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the Electronic Case Filing system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on the date set forth below.

September 18, 2006

/s/ Annette C. Benedetto  
Annette C. Benedetto